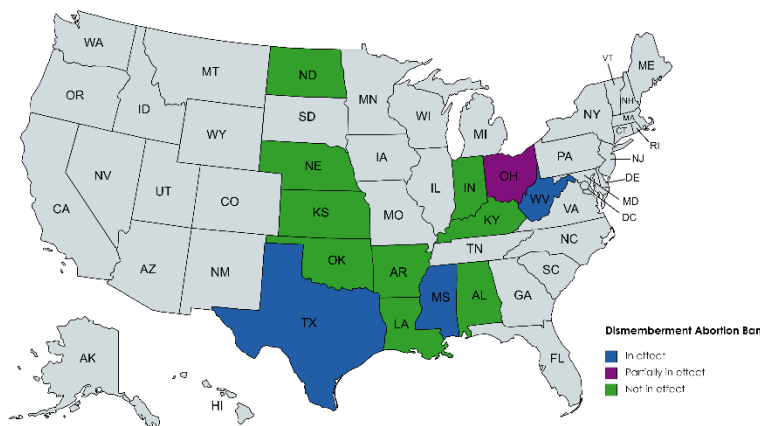


Dismemberment Abortion Bans

August 23, 2021

Dismemberment abortion is a brutal type of abortion with the purpose of causing the death of an unborn child, purposely to dismember a living unborn child and extract him or her one piece at a time from the uterus through use of clamps, grasping forceps, tongs, scissors or similar instruments that, through the convergence of two rigid levers, slice, crush, and /or grasp a portion of the unborn child's body to cut or rip it off.

The Unborn Child Protection from Dismemberment Abortion Act protects unborn children from the brutality of being torn apart limb by limb by dismemberment.



1. Kansas (2015)
2. Oklahoma (2015)
3. West Virginia (2016)
4. Mississippi (2016)
5. Alabama (2016)
6. Louisiana (2016)
7. Arkansas (2017)
8. Texas (2017)
9. Kentucky (2018)
10. Ohio (2018)
11. North Dakota (2019)
12. Indiana (2019)
13. Nebraska (2020)

State Legislation Department
202.378.8859



State Laws Banning Dismemberment Abortions

STATE	STATUS
Alabama Code of Ala. §§ 26-23G-1 through 26-23G-9	Not in effect. Court affirmed lower court's permanent injunction in <i>W. Ala. Women's Ctr. v. Williamson</i> , 900 F.3d 1310 (11th Cir. 2018). Petition for Writ of Certiorari was submitted to the United States Supreme Court and denied in <i>Harris v. W. Ala. Women's Ctr.</i> , 2019 U.S. LEXIS 4446 (U.S., June 28, 2019).
Arkansas To be codified as: A.C.A. §§ 20-16-1801 through 20-16-1807 (2017)	Not in effect. The appellate court vacated the district court's preliminary injunction and remand for reconsideration in <i>Hopkins v. Jegley</i> , No. 17-2879, 2020 U.S. App. LEXIS 24995 (8th Cir. Aug. 7, 2020). Preliminary injunction granted in <i>Hopkins v. Jegley</i> , 267 F. Supp. 2d 1024 (E.D. Ark. July 28, 2017).
Indiana Ind. Code Ann. §§ 16-34-2-1(c); 16-34-2-9; 16-34-2-10	Not in effect. Preliminary injunction granted in <i>Bernard v. Individual Members of the Ind. Med. Licensing Bd.</i> , No. 1:19-cv-01660-SEB-DML, 2019 U.S. Dist. LEXIS 108528 (S.D. Ind. June 28, 2019).
Kansas K.S.A. § 65-6743	Not in effect. The Kansas Supreme Court affirmed and remanded the case to a lower court while establishing abortion as a fundamental right in their constitution. <i>Hodes & Nauser, MDS, P.A. v. Schmidt</i> , 309 Kan. 610, 440 P.3d 461 (2019).
Kentucky Ky. Rev. Stat. § 311.787	Not in effect. The appellate court affirmed the lower court's decision in <i>EMW Women's Surgical Ctr., P.S.C. v. Friedlander</i> , No. 19-5516, 2020 U.S. App. LEXIS 17322 (6th Cir. June 2, 2020). Permanently enjoined in <i>EMW Women's Surgical Ctr., P.S.C. v. Meier</i> , 373 F. Supp. 3d 807 (W.D. Ky. 2019).
Louisiana To be codified as: R.S. 40:1061.1.1	Not in effect. State stipulated not to enforce the law pending challenge. <i>June Med. Servs. LLC v. Gee</i> , No. 16-cv-444, 2017 U.S. Dist. LEXIS 191938 at *44-*46 (M.D. La. Nov. 16, 2017) (allowing challenge to proceed but noting that challengers face "a steep burden" to prevail).
Mississippi Miss. Code Ann. §§ 41-41-151 through 41-41-169 (2017).	Effective July 1, 2016.

STATE	STATUS
Nebraska 2019 Bill Text NE L.B. 814	Signed by Governor August 15, 2020. Effective date November 13, 2020.
North Dakota 2019 Bill Text ND H.B. 1546	The effective date is contingent upon a federal constitutional amendment that restores the state's authority to prohibit abortion or any court decision by the United States Supreme Court or 8 th Circuit Court of Appeals allowing enforcement of Section 1 of the Act, or a decision by the United States Supreme Court that restores the state's authority to prohibit abortion.
Ohio To be codified as: Ohio Rev. Code Ann. § 2919.15	Partial injunction issued in, <i>Planned Parenthood Sw. Ohio Region v. Yost</i> , No. 1:19-CV-00118-MRB, 2019 U.S. Dist. LEXIS 66472 (S.D. Ohio Apr. 18, 2019). The partial injunction prevents prosecution of a medical professional when the abortion is performed on unborn children prior to 18 weeks LMP, accidental dismemberment, if fetal demise fails, if the mother is not a candidate for fetal demise dismemberment.
Oklahoma 63 Okl. St. §§ 1-737.7 through 1-737.16	Not in effect. Pending an appeal by plaintiffs, the State Supreme Court has enjoined the law. Previously an Oklahoma County District upheld the law.
Texas Tex. Health & Safety Code §§ 171.151 through 171.154	In effect. Upheld in: <i>Whole Woman's Health v. Paxton</i> , No. 17-51060, 2021 U.S. App. LEXIS 24832 (5th Cir. Aug. 18, 2021).
West Virginia To be codified as: W. Va. Code § 61-2-31	Effective May 29, 2016.